

Release  
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## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JUNE 28, 1999**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#99-93 Carmel Valley Fire Protection Dist. v. State of California, S078828. (B113383; 70 Cal.App.4th 1525.) Petition for review after the Court of Appeal reversed the judgment in an action for administrative mandate and declaratory relief. This case concerns whether it violates the doctrine of separation of powers for the Legislature, for budgetary reasons, to suspend an administrative order, adopted under statutory authority, requiring local governments to provide firefighters with protective clothing and equipment, when the state would be required to reimburse the locality for funds expended to comply with the administrative order.

#99-94 People v. Cleveland, S078537. (B121361.) Unpublished opinion. Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case presents an issue, concerning whether a juror was properly removed for refusing to deliberate and follow the law, which is related to an issue before the court in People v. Metters, S069442. (See #98-70.)

(over)

#99-95 People v. Jenkins, S078579. (B119085.) Unpublished opinion. Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense.

#99-96 People v. Rodriguez, S078105. (H018056; 70 Cal.App.4th 1272.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense and an order revoking probation.

Jenkins and Rodriguez both present an issue, concerning whether a defendant's stipulation to the fact of a prior conviction that is an element of a crime may only be made after Boykin/Tahl advice and waivers, which is related to an issue before the court in People v. Newman, S072560. (See #98-142.)

#99-97 People v. Lopez, S078881. (D031148.) Unpublished opinion. Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents an issue, concerning whether a juvenile adjudication qualifies as a "strike" if it is for conduct that is defined as a serious felony but that is not listed under Welfare and Institutions Code section 707(b), which is related to an issue before the court in People v. Garcia, S059302. (See #98-79.)

#99-98 People v. Miranda, S078243. (B112325; 70 Cal.App.4th 800.) Petition for review after the Court of Appeal reversed an order denying a motion to reinstate a felony complaint. This case concerns whether the admission and use at a preliminary hearing of evidence of a confession of a non-testifying accomplice that implicates the defendant in the charged offense violates the defendant's federal or state constitutional rights to confrontation or due process.

#99-99 People ex rel. Department of Transportation v. Southern California Edison Co., S078712. (B118802.) Unpublished opinion. Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court limited review to an issue concerning whether Code of Civil Procedure section 1268.310

strictly requires the court to award interest in an eminent domain action from the earliest date specified therein or whether the court has an equitable power to depart from the statute and award interest from a later date.

#99-100 People v. Valentine, S078564. (B119774; 70 Cal.App.4th 1168.)  
Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case includes an issue concerning the scope of the right to jury trial on a prior conviction allegation, which is related to an issue before the court in People v. Kelii, S070960.  
(See #98-98.)

## **STATUS**

#97-134 People v. Martinez, S062266. The court ordered argument expanded to include the question of whether computer printouts of appellant's criminal history were admissible under the official records exception to the hearsay rule to prove the existence of prior convictions.

#98-169 Haggis v. City of Los Angeles S074364. The court ordered briefing on the additional issue of whether, for purposes of Government Code section 815.6, specified provisions of a municipal code impose mandatory duties upon the city to protect the plaintiff against the particular kind of injury allegedly suffered in this case.

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